



**I. STATEMENT OF ISSUE ON APPEAL**

Plaintiff intends to present the following issue on appeal:

1. Whether the bankruptcy court permissibly exercised its discretion to deny the motion to stay and compel arbitration filed by Defendant Educational Financial Services, A Division of Wells Fargo Bank, N.A., consistent with this Circuit's ruling in *Matter of National Gypsum Co.*, 118 F.3d 1056 (5th Cir. 1997) and the Second Circuit's ruling in *In re Anderson*, 884 F.3d 382 (2d Cir. 2018), *cert. denied sub nom. Credit One Bank, N.A. v. Anderson*, No. 17-1652, 2018 WL 2876199 (U.S. Oct. 1, 2018).

**II. DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Plaintiff designates the following additional highlighted items (including, without limitation, any and all exhibits, attachments, appendices, and other similar additions to such items) to be included in the record on appeal:

<u>Filing Date</u>	<u>Case Number</u>	<u>Docket #</u>	<u>Docket/Claim Register Text</u>
<b>Bankruptcy Case No. 13-30519</b>			
02/01/2013	13-30519	1	Chapter 13 Voluntary Petition. Fee Amount \$281. Filed by Stephanie Marie Henry. (Kemsley, Rod) (Entered: 02/01/2013)
02/04/2013	13-30519	11	Schedule A , Schedule B , Schedule C , Schedule D , Schedule E , Schedule F , Schedule G , Schedule H , Schedule I , Schedule J , Statement of Financial Affairs (Filed By Stephanie Marie Henry ). (Kemsley, Rod) (Entered: 02/04/2013)
05/17/2018	13-30519	168	Order Discharging Debtor Signed on 5/17/2018 (Related document(s):164 Chapter 13 Debtor's Certification and Motion for Discharge) (hcar) (Entered: 05/17/2018)
02/13/2013	13-30519	Claim 2-1	Claim #2 filed by Wells Fargo Bank NA, Amount claimed: \$10063.29 (Radic, Irena)
<b>Adversary Case No. 18-03154</b>			
06/12/2018	18-03154	1	Adversary case 18-03154. Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan)),(72 (Injunctive relief - other)), (91 (Declaratory judgment)) Complaint by Stephanie Marie Henry

			against Educational Financial Service, A Division of Wells Fargo Bank, N.A.. Fee Amount \$350 (Corral, Adam) (Entered: 06/12/2018)
06/19/2018	18-03154	4	Request for Issuance of Summons on Educational Financial Services, A Division of Wells Fargo Bank, N.A.. (Corral, Adam) (Entered: 06/19/2018)
06/20/2018	18-03154	5	Summons Issued on Educational Financial Service, A Division of Wells Fargo Bank, N.A. Date Issued 6/20/2018. (kpico) (Entered: 06/20/2018)
06/20/2018	18-03154	6	Summons Service Executed on Stephanie Marie Henry 6/20/2018. (Corral, Adam) (Entered: 06/20/2018)
07/12/2018	18-03154	7	Motion to Extend Time / <i>Deadline to Respond to Plaintiff's Complaint</i> Filed by Educational Financial Service, A Division of Wells Fargo Bank, N.A. (Attachments: # 1 Proposed Order) (Knapp, Bradley) (Entered: 07/12/2018)
07/25/2018	18-03154	8	Order Granting Motion to Extend Time (Related Doc # 7) Signed on 7/25/2018. (aalo) (Entered: 07/25/2018)
08/10/2018	18-03154	10	Motion To Stay., in addition to Motion to Compel <i>Arbitration</i> , or in the alternative Motion to Dismiss Adversary Proceeding. Objections/Request for Hearing Due in 21 days. Filed by Educational Financial Service, A Division of Wells Fargo Bank, N.A. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Proposed Order) (Knapp, Bradley) (Entered: 08/10/2018) (including exhibits 10-1 through 10-4 and Proposed Order at exhibit 10-5)
08/15/2018	18-03154	18	Notice of <i>Hearing</i> . (Related document(s):10 Motion To Stay, Motion to Compel, Motion to Dismiss Adversary Proceeding) Filed by Educational Financial Service, A Division of Wells Fargo Bank, N.A. (Knapp, Bradley) (Entered: 08/15/2018)
08/30/2018	18-03154	21	Response to Motion to Compel and Dismiss (related document(s):10 Motion To Stay, Motion to Compel, Motion to Dismiss Adversary Proceeding). Filed by Stephanie Marie Henry (Attachments: # 1 Proposed Order) (Corral, Adam) (Entered: 08/30/2018) (including Proposed Order at exhibit 21-1)

09/04/2018	18-03154	22	Witness List, Exhibit List (Filed By Educational Financial Service, A Division of Wells Fargo Bank, N.A. ).(Related document(s):18 Notice) (Knapp, Bradley) (Entered: 09/04/2018)
09/04/2018	18-03154	23	Exhibit List (Filed By Stephanie Marie Henry ). (Corral, Adam) (Entered: 09/04/2018)
09/04/2018	18-03154	24	Exhibit List (Filed By Stephanie Marie Henry ). (Corral, Adam) (Entered: 09/04/2018)
10/01/2018	18-03154	40	Notice of Supplemental Authority. (Related document(s):21 Response, 32 Courtroom Minutes) Filed by Stephanie Marie Henry (Attachments: # 1 Exhibit A; Order List)(Corral, Adam) (Entered: 10/01/2018) (including exhibit 40-1)
10/17/2018	18-03154	41	Order Denying Motion to Compel Arbitration and Dismiss Complaint and Certification for Direct Appeal (Related Doc # 10) Signed on 10/17/2018. (VrianaPortillo) (Entered: 10/18/2018)
10/31/2018	18-03154	43	Notice of Appeal filed. (related document(s):41 Order on Motion To Stay, Order on Motion to Compel). Fee Amount \$298. Appellant Designation due by 11/14/2018. (Attachments: # 1 Exhibit A)(Knapp, Bradley) (Entered: 10/31/2018)
11/03/2018	18-03154	47	Transcript RE: Motion Hearing held on September 6, 2018 before Judge David R. Jones. Transcript is available for viewing in the Clerk's Office. Filed by Transcript access will be restricted through 02/1/2019. (mhen) (Entered: 11/03/2018)
11/14/2018	18-03154	53	Appellant Designation of Contents For Inclusion in Record On Appeal (related document(s):43 Notice of Appeal). (Knapp, Bradley) (Entered: 11/14/2018)

Dated: November 28, 2018.

Respectfully submitted,

/s/Jason W. Burge

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 28<sup>th</sup> day of November, 2018, a true and correct copy of *Plaintiff's Statement of Issues and Designation of Items to be Included in the Record on Appeal* was served via that Court's electronic case filing system (CM/ECF) to all parties registered to receive such notice in the above-captioned proceeding.

/s/Jason W. Burge